

1 OSVALDO E. FUMO, ESQ.  
Nevada bar No. 5956  
2 PITARO & FUMO, CHTD.  
601 LAS VEGAS BOULEVARD, SOUTH  
3 LAS VEGAS, NEVADA 89101  
Phone: 702.474.7554 Fax: 702-474-4210  
4 Email: kristine.fumolaw@gmail.com  
Attorney for Defendant  
5 EVERETT GOODEN

6  
7 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
\* \* \*

8  
9 UNITED STATES OF AMERICA, ) 2:18-CR-00318-JCM-DJA  
10 )  
11 Plaintiff, )  
12 v. ) STIPULATION AND ORDER TO  
CONTINUE CHANGE OF PLEA  
13 EVERETT GOODEN, )  
14 )  
15 Defendant. ) (First Request)  
\_\_\_\_\_ )

16  
17 IT IS HEREBY STIPULATED by and between EVERETT GOODEN, Defendant, by  
18 and through his counsel OSVALDO E. FUMO, ESQ, and the United States of America, KEVIN  
19 SCHIFF, Assistant United States Attorney, that Change of Plea in the above-captioned matter  
20 currently scheduled for August 14, 2019, at the hour of 10:00 a.m., be vacated and continued to  
21 30 days or to a date and time to be set by this Honorable Court.

22 This Stipulation is entered into for the following reasons:

- 23  
24 1. Counsel for defendant has spoken to his client and he has no objection to this  
25 continuance.  
26  
27 2. Defendant Gooden is currently in custody in Pahrump and does not object to the  
28 continuance.

- 1 3. Counsel has spoken to AUSA Kevin Schiff and he has no objection to the
- 2 continuance.
- 3 4. Counsel will need additional time to adequately prepare for change of plea and
- 4 confer with his client regarding the issues and concerns.
- 5 5. Denial for this request for continuance would deny the parties herein time and the
- 6 opportunity within which to effectively and thoroughly research and prepare for trial
- 7 in this case, taking into account the exercise of due diligence.
- 8 6. Additionally, denial of this request for continuance would result in a miscarriage of
- 9 justice.
- 10 7. For all the above-stated reasons, the ends of justice would best be served by a
- 11 continuance of the change of plea date.
- 12 8. The additional time requested by this stipulation, is excludable in computing the time
- 13 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
- 14 U.S.C. 3161(h)(8) (A), considering the factors under 18 U.S.C. 3161 (h)(8)(B)( i
- 15 and 3161 (h)(8)(B)(iv).
- 16 9. This is the first request for a continuance of the change of plea date in this case.
- 17
- 18
- 19
- 20

21 DATED this 13th day of August 2019.

22 PITARO & FUMO, CHTD.

22 UNITED STATES ATTORNEY

23  
24  
25 /s/  
26 OSVALDO E. FUMO, ESQ.  
27 601 LAS VEGAS BOULEVARD, SOUTH  
28 LAS VEGAS, NEVADA 89101  
ATTORNEY FOR DEFENDANT  
EVERETT GOODEN

25 /s/  
26 KEVIN SCHIFF, ESQ.  
27 ASSISTANT UNITED STATES ATTORNEY  
28 501 LAS VEGAS BOULEVARD SOUTH. #1100  
LAS VEGAS, NEVADA 89101

1 UNITED STATES OF AMERICA, ) 2:18-CR-00318-JCM-DJA  
2 )  
3 Plaintiff, )  
4 v. ) FINDINGS OF FACT AND  
5 EVERETT GOODEN, ) CONCLUSIONS OF LAW  
6 )  
7 Defendant. ) (First Request)  
8 )  
9 )  
10 )  
11 )  
12 )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Counsel for defendant has spoken to his client and he has no objection to this continuance.
2. Defendant Gooden is currently in custody in Pahrump and does not object to the continuance.
3. Counsel has spoken to AUSA Kevin Schiff and he has no objection to the continuance.
4. Counsel will need additional time to adequately prepare for change of plea and confer with his client regarding the issues and concerns.
5. Denial for this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for trial in this case, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance would result in a miscarriage of justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the change of plea date.

1 8. The additional time requested by this stipulation, is excludable in computing the time  
2 within which the trial herein must commence pursuant to the Speedy Trial Act, 18  
3 U.S.C. 3161(h)(8) (A), considering the factors under 18 U.S.C. 3161 (h)(8)(B)( i)  
4 and 3161 (h)(8)(B)(iv).  
5

6 9. This is the first request for a continuance of the change of plea date in this case.

7 **CONCLUSIONS OF LAW**

8 The end of justice served by granting said continuance outweigh the best interest of the  
9 public and defendants in a speedy trial since the failure to grant said continuance would likely  
10 result in a miscarriage of justice, would deny the parties herein sufficient time and the  
11 opportunity within which to be able to effectively and thoroughly prepare for sentencing taking  
12 into account the exercise of due diligence.

13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C.  
14 3161(h)(8) (A), considering the factors under title 18 U.S.C. 3161 (h)(8)(B)( i) and 3161  
15 (h)(8)(B)(iv).  
16

17 **ORDER**

18 **IT IS ORDERED** that change of plea currently scheduled for August 14, 2019 at the  
19 hour of 10:30 a.m., be vacated and continued to this 10th day  
20 of September, 2019, at the hour of 10:30 a/ m. in Courtroom 6A.  
21

22 DATED August 13, 2019.

23  
24   
25 U.S. DISTRICT JUDGE  
26  
27  
28